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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
| 09/000,104 | 04/20/98 | MARDON | J 336/183 |

PMS1/0318
POLLOCK VANDE SANDE & PRIDDY
PO BOX 19088
WASHINGTON DC 20036

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| EXAMINER |
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| WASIL, D | |
| ART UNIT | PAPER NUMBER |

3641

DATE MAILED:

03/18/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to election response filed 11-19-98

☒ The allowed claim(s) is/are 1-8

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☒ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

DANIEL D. WASIL
PRIMARY EXAMINER

1. The restriction requirement dated 4 November 1998 has been withdrawn.
2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

The Abstract has been changed to read as follows:

Abstract of the Disclosure

A zirconium alloy tube for forming all or the outside portion of a nuclear fuel rod cladding or a nuclear fuel assembly guide tube. The zirconium alloy contains by weight 0.8-1.8% niobium, 0.2-0.6% tin, 0.02-0.4% iron, and has a carbon content of 30-180 ppm, a silicon content of 10-120 ppm, and an oxygen content of 600-1800 ppm. The tube may be used when recrystallized or stress relieved.

3. The following is an Examiner's Statement of Reasons for Allowance:

The claim language directed to a zirconium base alloy tube for the outside portion of cladding for a nuclear fuel rod or of a fuel assembly guide tube, made of a zirconium base alloy containing by weight, 0.8-1.8% niobium, 0.2-0.6% tin, and 0.02-0.4% iron, plus impurities, and having controlled 30-180 ppm carbon, 10-120 ppm silicon, and 600-1800 ppm oxygen; distinguishes the invention from the prior art of record.

This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication should be directed to examiner Daniel Wasil at phone number 703-306-4175. Any general inquiry should be directed to the Group 3600 receptionist at 703-306-4177. The Group's fax phone number is 703-305-7687.


DANIEL D. WASIL
PRIMARY EXAMINER